

Board Administration and Regulatory Coordination Unit

Division 3. Air Resources Board

Chapter 1. Air Resources Board

Subchapter 8. Compliance with Nonvehicular Emission Standards

Article 1. Vapor Recovery Systems in Gasoline Marketing Operations

§ 94005. Preparation and Submittal of Proof of Correction for Gasoline Cargo Tanks.

(a) Whenever any person has received a notice to appear issued pursuant to Health and Safety Code Section 41970, and the preparation and submittal of a proof of correction by verification is authorized by Health and Safety Code Section 41972, such proof of correction shall contain:

- (1) Name of owner or operator, company name (if applicable), and address.
- (2) Date, time, and violation specified in notice to appear.
- (3) California Highway Patrol cargo tank number.
- (4) Manufacturer's number of tank.
- (5) California Air Resources Board vapor-emission-certification decal number.
- (6) License number of vehicle carrying cargo tank at the time of issuance of notice to appear.
- (7) A statement that the violation was corrected, including the following information and documentation:
 - (A) A brief description of the corrections that were made.
 - (B) The date on which the corrections were made.
 - (C) The name, address, and company affiliation (if any) of the person making the correction.

(D) If the violation consists of operation of the cargo tank without issuance of the required vapor recovery certification, a copy of the application for vapor recovery certification and a copy of the issued certification.

(E) If in order to correct the violation it was necessary to test the cargo tank to determine compliance with the annual leak rate criteria, (i) the name, address and company affiliation (if any) of the person conducting the test; (ii) the date of the test; (iii) pressure change in five minutes (in inches of water); (iv) vacuum change in five minutes (in inches of water); (v) a statement by the person conducting the test that the cargo tank was tested in accordance with the procedures established by the Air Resources Board (ARB).

(8) Date, time, and means by which the issuing agency was notified of the opportunity to inspect the corrections.

(9) Location of cargo tank and time specified for inspection.

(10) Statement that the representative of the issuing agency failed to appear at the designated place and time.

(11) Declaration under penalty of perjury by person making correction and/or conducting test that the information contained in Item 7 is true and correct.

(12) Declaration under penalty of perjury by owner or operator named in the notice to appear that all information submitted is true and correct and the violation has been corrected.

(b) The executive officer shall have the authority to approve any modification to the form used for submittal of the information set forth in subsection (a) consistent with said subsection, and shall provide the form to the California Highway Patrol and all air pollution control districts. Every "Proof of Correction by Verification" shall be prepared in triplicate on the form approved by the ARB. The original, along with the copy of the notice to appear, shall be submitted pursuant to Health and Safety Code Section 41970 to the court specified in the notice to appear. No later than the date of presentment to the court, copies shall be mailed to the agency issuing the notice to appear and to the compliance Division of the ARB.

NOTE: Authority cited: Sections 39600, 39601 and 41972, Health and Safety Code. Reference: Sections 41970, 41971 and 41972, Health and Safety Code.

REFERENCE